

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JON HENSLEY, individually and on	§	
behalf of all others similarly	§	
situated,	§	
	§	
Plaintiff,	§	Case No. _____
	§	
vs.	§	
	§	State Circuit Court Case No.
RESURGENT CAPITAL SERVICES	§	2021-CH-03995
LP and LVNV FUNDING, LLC,	§	
	§	
Defendants.	§	

NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants Resurgent Capital Services L.P. and LVNV Funding, LLC hereby remove the above-captioned case from the Circuit Court of Cook County, Illinois – County Department, Chancery Division to this Honorable Court.

1. On August 13, 2021, Plaintiff filed this action in the Circuit Court of Cook County, Illinois – County Department, Chancery Division under Case No. 2021-CH-03995.

2. Defendants each received a copy of Plaintiff's Complaint fewer than thirty days prior to the filing of this notice – Resurgent on August 16, 2021 and LVNV on August 25, 2021.

3. The following pleadings have been filed in this action to date and are attached hereto as Exhibits "A" and "B", respectively: Plaintiff's Summons and Complaint; and Appearance on behalf of Defendants Resurgent Capital Services,

L.P. and LVNV Funding, LLC.

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §1441(a), in that it arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

5. The Circuit Court of Cook County, Illinois – County Department, Chancery Division is located within the jurisdiction of the United States Court for the Northern District of Illinois. This Court is the district and division embracing the place where the action is pending.

6. This case is removable to the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. §§ 1331, 1441 & 1453.

7. The Complaint alleges, in part, claims asserted under the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* As such, this Court has Federal Question jurisdiction over this action pursuant to 28 U.S.C. §1331, as the pleading is sufficient to invoke such jurisdiction. *See, e.g., Hunstein v. Preferred Collection & Mgmt. Servs.*, 994 F.3d 1341 (11th Cir. 2021); *Keller v. Northstar Location Servs.*, No. 21-cv-3389, 2021 U.S. Dist. LEXIS 157820 (N.D. Ill. Aug. 20, 2021); *Thomas v. Unifin, Inc.*, No. 21-cv-3037, 2021 U.S. Dist. LEXIS 157814 (N.D. Ill. Aug. 20, 2021).

8. Pursuant to 28 U.S.C. §1446(b), Notice of Removal “shall be filed within thirty days after receipt by the defendants, through service or otherwise, of a copy of the initial pleading.”

9. Defendants have provided written notice of this Petition for Removal to Plaintiff's counsel, and, additionally, filed a copy with the Circuit Court of Cook County, Illinois – County Department, Chancery Division, as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendants remove to this Court the above-entitled action, previously pending in the Circuit Court of Cook County, Illinois – County Department, Chancery Division, and request this action be placed on the docket of this Court for further proceedings as though this action had originally been instituted in this Court. Additionally, Defendants respectfully request that the docket of the Court notice this firm's representation of Defendants for all further proceedings.

Respectfully submitted,

/s/ Nabil G. Foster
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Attorney for Defendants
Resurgent Capital Services L.P. and
LVNV Funding, LLC

CERTIFICATE OF SERVICE

I, Nabil G. Foster, an attorney, certify that I shall cause to be served a copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT** upon the following individual(s), by deposit before 5 p.m. in the U.S. mail box, postage prepaid; messenger delivery; Federal Express; facsimile transmitted from (312) 229-9203; or electronically via email or the Case Management/Electronic Case Filing System ("ECF") as indicated, September 13, 2021.

<u> X </u>	CM/ECF
<u> </u>	Facsimile
<u> </u>	Federal Express
<u> </u>	E-Mail
<u> </u>	U.S. Mail
<u> </u>	Messenger

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s/ Nabil G. Foster
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One of the Attorneys for Defendants